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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/528,206	03/17/2005	Martin Peter Bennett	330-022	6751				
7590 Anthony R Barkume 20 Gateway Lane Manorville, NY 11949		04/10/2007	<table border="1"><tr><td>EXAMINER</td></tr><tr><td>BAXTER, GWENDOLYN WRENN</td></tr></table>		EXAMINER	BAXTER, GWENDOLYN WRENN		
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BAXTER, GWENDOLYN WRENN								
		<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3632</td><td></td></tr></table>	ART UNIT	PAPER NUMBER	3632			
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3632								
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE					
3 MONTHS		04/10/2007	PAPER					

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/528,206

Applicant(s)

BENNETT, MARTIN PETER

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/05</u> . | 6) <input type="checkbox"/> Other: ____. |

This is the first Office action for application serial number 10/528,206,
Loudspeaker Wall Bracket filed March 17, 2005.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35
U.S.C. 119(a)-(d). The certified copy has been filed in this Application.

Information Disclosure Statement

The information disclosure statement filed March 17, 2005 has been placed in
the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)
because they do not include the following reference sign(s) mentioned in the
description: 60 (see pages 3, line 28, page 4, lines 23). Also, page 4, line 8, "base
member 40" should read -base member 30-. Corrected drawing sheets in compliance
with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of
the application. Any amended replacement drawing sheet should include all of the
figures appearing on the immediate prior version of the sheet, even if only one figure is
being amended. Each drawing sheet submitted after the filing date of an application
must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"
pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 8, and 12, the phrase "or the like" and/or "vice-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 10, the phrase "such as" or "etc" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 10, 16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,251,859 to Cyrell et al. The present invention reads on Cyrell as follows: Cyrell teaches a wall bracket comprising a wall plate (B), a bracket base (C), and a bracket mount (10). The wall plate arranged for attachment to a wall (S). The plate has at least a pair raised flanges (the horizontal portion of B). The bracket base arranged for engaging with the flanges and being thereby held to the wall plate. The bracket mount is arranged for attachment to a loudspeaker (O). A ball and socket (20-24) arrangement is between the bracket base and the bracket mount whereby the bracket mount may be locked to the bracket base in a variety of configurations. The bracket base is arranged for sliding over the flanges thereby to be held to the wall. The flanges are in parallel array. The arrangement is such that it permits the ball to be held so that the loudspeaker may have a variety of inclinations with respect to the wall bracket. The bracket mount incorporates holes or slots (not numbered – near 12 and 16) for attachment of the loudspeaker. The wall bracket is adapted for use in a domestic context or in a home theatre or home cinema context.

Claims 1, 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,936,533 to Adams et al. The present invention reads on Adams as follows: Adams teaches a wall bracket comprising a wall plate (30), a bracket base (10), and a bracket mount (22, 24). The wall plate arranged for attachment to a wall or supporting surface (W). The plate has at least a pair raised flanges (46, 48). The bracket base arranged for engaging with the flanges and being thereby held to the wall plate. The bracket mount is arranged for attachment to a loudspeaker or object (20). A

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ball and socket (12) arrangement is between the bracket base and the bracket mount whereby the bracket mount may be locked to the bracket base in a variety of configurations. The flanges project laterally of the wall plate. The flanges project laterally outwards

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cyrell. Cyrell teaches the limitations of the base claim, excluding the bracket base being in two parts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the bracket base in two parts, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyrell in view of U.S. Patent No. 1,086,375 to LaFrance. Cyrell teaches the limitations of the base claim, excluding the coupler, the ball having a bolt passing through the two sockets and ball.

LaFrance teaches a coupler, namely a ball (8) and sockets (10, 12). The ball is pierced in the longitudinal direction, as are the sockets. The bracket is clamped

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together by a bolt (14-16) passing through the two sockets and the ball. The hole through the ball is enlarged, at least towards the surface thereof of the ball whereby the object supported in a variety of configurations. The bolt has an enlarged head (15) to enable it to be finger tighten. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the coupler, namely the ball and socket configuration as taught by Cyrell to having incorporated the coupling as taught by LaFrance, as mere substitution of functionally equivalent parts for the purpose of coupling one element to another while changing the orientation of sockets relative to the ball.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cyrell in view of U.S. Patent No. 4,765,580 to Wright. Cyrell teaches the limitations of the base claim, excluding the bracket mount having a concave mounting surface.

Wright teaches the bracket mount (12) having a concave mounting surface whereby it is adapted for holding loudspeakers with curved or flat rear or side surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the mounting surface of the bracket mount as taught by Cyrell to have incorporated the concave mounting surface as taught by Wright for the purpose of supporting a loudspeaker having a flat bottom (col. 1, lines 60+).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cyrell in view of U.S. Patent No. 7,155,027 to Lee. Cyrell teaches the limitations of the base claim, excluding the wall plate having a cable management hole.

Lee teaches a wall bracket having a wall plate. This plate has a cable management hole, whereby cabling for the speaker can be routed there through. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified to have modified the wall plate as taught by Cyrell to have incorporated a hole in the wall plate as taught by Lee for the purpose of allowing most common type of speaker cable to pass through (column 2, lines 22+).

Allowable Subject Matter

Claims 6, 8, 9, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

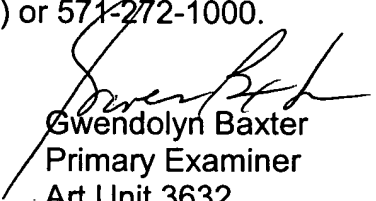
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vieira D433,405; Lin 6,915,996 and Pincek US 2007/0040085 teach a wall bracket similar to that of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gwendolyn Baxter
Primary Examiner
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April 2, 2007